IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 13921 of 2004

Between:

R.S. Deekshitulu S/o. Subrahmanyam,
5-469 B/2, Gayatri Nagar, Mangalagiri, Guntur District.

..... PETITIONER

AND

1 Government of A.P., rep. by its Secretary, High Education

Department, Secretariat, Hyderabad.
2 The Registrar, Nagarjuna University, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly in the nature of writ of mandamus declaring the action of respondents treating the 3 days joining period as break of service is illegal arbitrary and violation of principles of natural justice consequently direct the respondents to pay the pensionary benefits to the petitioner on par with the other employees who is similarly situated persons in the 2nd respondent university service .

Counsel for the Petitioner: MR.P.VINAYAKA SWAMY

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2: MR. T.S.HARINATH

The Court at the admission stage made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.13921 OF 2004

ORDER:

The petitioner is under the service of the second respondent. He retired from service in1996. He made a representation initially on 29-1-2001 seeking certain benefits of his service after his retirement. In pursuance of the said representation, the second respondent addressed the first respondent seeking certain clarifications regarding the claim made by the petitioner. The Government through its proceedings dated 10-3-2003 issued certain clarifications to the queries raised by the second respondent. Subsequently, on 01-11-2003, the petitioner made another representation with a similar request for sanction of pensionary benefits by contending that the second respondent did not take into consideration the proceedings of the first respondent dated 10-3-2003 while fixing the pension payable to him. The petitioner, therefore contends that the order of the first respondent dated 10-03-2003 were violated. Though he made several prayers in the writ petition, the learned counsel for the petitioner submitted that a direction may be given to the second respondent to pass appropriate orders on his representation dated 01-11-2003.

2. In the light of the circumstances explained by the petitioner, the second respondent is directed to pass appropriate orders on the representation of the petitioner dated 01-11-2003, keeping in view the clarifications given by the first respondent through the letter dated 10-03-2003, within two months from the date of receipt of a copy of this order.

3. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

09th August, 2004

SKM

Note:

C.C. within 3 days.

B/o.

skm

TO

1 The Secretary, Government of A.P., Higher Education

Department, Secretariat, Hyderabad.
2 The Registrar, Nagarjuna University, Guntur, Guntur District.

3 Two C.Cs. to G.P. for Higher Education, High Court buildings,

High Court of A.P., Hyderabad.(OUT)

4 Two C.D.Copies.